


**Service of Process
Transmittal**

01/19/2022

CT Log Number 540901903

TO: Laura Aznavoorian, Litigation Supervisor
Gallagher Bassett Services, Inc.
1901 S. Meyers Rd, Suite 200C
Oakbrook Terrace, IL 60181

RE: Process Served in Georgia

FOR: Costco Wholesale Membership, Inc. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: Albert Cox // To: Costco Wholesale Membership, Inc.

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # 22C00319S4

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Lawrenceville, GA

DATE AND HOUR OF SERVICE: By Process Server on 01/19/2022 at 13:46

JURISDICTION SERVED : Georgia

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 01/19/2022, Expected Purge Date: 02/03/2022

Image SOP

Email Notification, Laura Aznavoorian laura_aznavoorian@gbtpa.com

Email Notification, Zois Johnston zjohnston@costco.com

Email Notification, Maureen Papier maureen_papier@gbtpa.com

REGISTERED AGENT ADDRESS: C T Corporation System
289 S. Culver St.
Lawrenceville, GA 30046
866-665-5799
SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

EXHIBIT A

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Albert Cox
c/o Samuel Johnson and Associates
12600 Deerfield Parkway Suite 425
Alpharetta, Georgia 30004

CIVIL ACTION 22-C-00319-S4
NUMBER: _____

PLAINTIFF

VS.

Costco Wholesale Corporation,
Costco Wholesale Membership, Inc.
John Doe 1, John Doe 2
ABC Company 1, and ABC Company 2

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

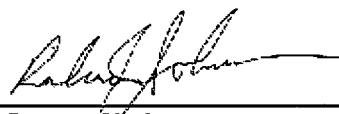
Samuel Johnson and Associates
Samuel Johnson, Esq
12600 Deerfield Parkway Suite 425
Alpharetta, Georgia 30004

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

19th day of January, 2022

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of State Court

By 
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

ALBERT COX,

Plaintiff

vs.

COSTCO WHOLESALE CORPORATION,
COSTCO WHOLESALE MEMBERSHIP, INC,
JOHN DOE 1, JOHN DOE 2, ABC COMPANY 1,
AND ABC COMPANY 2,

Defendants

CIVIL ACTION FILE NUMBER:
22-C-00319-S4**JURY TRIAL DEMANDED****COMPLAINT FOR DAMAGES****COMPLAINT**

COMES NOW Albert Cox, Plaintiff, and makes and files this Complaint against Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe, ABC Company 1, and ABC Company 2 as follows:

PARTIES AND JURISDICTION

1.

Plaintiff Alber Cox resides in Fulton County and is subject to the jurisdiction of this court.

2.

Defendant Costco Wholesale Corporation is a Foreign Profit Corporation existing under the laws of Washington with its principal place of business at P.O. Box 35005, Seattle Washington, 98124-3405 and may be served through its registered agent C T Corporation System at 289 South Culver Street, Lawrenceville, Georgia 30046 and is subject to the jurisdiction of this court.

3.

Defendant Costco Wholesale Membership, INC is a Foreign Profit Corporation existing under the laws of California with its principal place of business at 999 Lake Drive, Issaquah, Washington 98027 and may be served through its registered agent C T Corporation System at 289 South Culver Street, Lawrenceville, Georgia 30046 and is subject to the jurisdiction of this court.

In the State Court of Gwinnett County, Georgia

Civil Action File Number: 22-C-00319-S4

Albert Cox vs. Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1,
John Doe 2, ABC Company 1, and ABC Company 2

4.

John Doe 1 is the unknown and unidentified individual(s) who is/are responsible for Plaintiff's injuries and damages.

5.

John Doe 2 is the unknown and unidentified individual(s) who is/are responsible for Plaintiff's injuries and damages.

6.

ABC 1 Company is the unknown and unidentified entity who is responsible for Plaintiff's injuries and damages.

7.

ABC 2 Company is the unknown and unidentified entity who is responsible for Plaintiff's injuries and damages.

8.

Jurisdiction and venue are proper in this court.

BACKGROUND

9.

On 02/17/2020, Plaintiff went to Costco Wholesale Corporation, Costco Wholesale Membership, Inc located at 3980 Venture Drive, Duluth, Georgia 30096 for tire rotation on his 2004 Ford Explorer vehicle.

10.

On 02/17/2020, Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 located at 3980 Venture Drive, Duluth, Georgia 30096 conducted the tire rotation on his 2004 Ford Explorer vehicle.

11.

On 02/17/2020, Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 located at 3980 Venture Drive, Duluth, Georgia 30096 failed to replace Mr. Cox's tire lug nuts on his 2004 Ford Explorer vehicle.

12.

On 02/17/2020, Plaintiff was heading eastbound on Interstate 20 east, just east of US 78, GA 17, Thomson exit, in city of Thomson, McDuffie County, Georgia.

In the State Court of Gwinnett County, Georgia

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13.

On 02/17/2020, Due to Defendants Costco Wholesale Corporation, Costo Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 negligence and failure to secure ties properly plaintiff's front driver side tire came off the vehicle, causing plaintiff to lose control of his vehicle.

14.

On 02/17/2020, Defendants Costco Wholesale Corporation, Costo Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 failed to properly conduct the tire rotation job and process.

15.

On 02/17/2020, Plaintiff's vehicle began to spin across several lanes of traffic, barely evading a commercial tractor trailer, and ultimately crashed into a street sign.

16.

As a result of the crash, Plaintiff suffered injuries to his neck, right knee, back, low- back, upper back, mid-back, and other body parts.

17.

As a result of the crash, vehicle Plaintiff was operating sustained significant damage.

**COUNT I
NEGLIGENCE**

18.

As result of Defendants' s negligence, Plaintiff suffered injuries to his neck, right knee, back, low- back, upper back, mid-back, and other body parts.

19.

Defendants' s negligence is the sole and proximate cause of Plaintiff's injuries.

20.

Plaintiff's medical specials total to an amount not less than \$76,597.82

**COUNT II
VICARIOUS LIABILITY**

21.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 20 above as if fully restated.

22.

At all times relevant to this action, the individuals responsible for tire rotation job and process were employed by Defendants and were acting within the scope of their employment.

In the State Court of Gwinnett County, Georgia

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John Doe 2, ABC Company 1, and ABC Company 2

23.

Defendants are responsible for conduct of its/their employee(s) under the doctrine of respondeat superior, agency or apparent agency.

24.

Defendants' s negligence was the sole and proximate cause of Plaintiff's injuries.

COUNT III

NEGLIGENT HIRING, TRAINING, RETENTION, AND SUPERVISION

24.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 24 above as if fully restated.

25.

Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 were negligent in hiring employees and entrusting them to conduct the tire rotation job and process.

26.

Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2, were negligent in failing to properly hire their employees.

27.

Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2, were negligent in failing to properly train their employees.

28.

Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2, were negligent in failing to properly retain their employees.

29.

Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2, were negligent in failing to properly supervise their employees.

30.

Defendants were negligent in failing to adopt appropriate policies and procedures to make sure that appropriate inspections, and maintenance were performed on the tire rotation job and process and in failing to train its employees concerning safety procedures for inspecting, the tire rotation job and process.

31.

In the State Court of Gwinnett County, Georgia

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Albert Cox vs. Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2

As a result of Defendants Costco Wholesale Corporation, Costco Wholesale Membership, Inc, John Doe 1, John Doe 2, ABC Company 1, and ABC Company 2 negligence in hiring, training, retention, and supervision its employee(s), Plaintiff was injured.

**COUNT IV
PUNITIVE DAMAGES**

32.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 31 above as if fully restated.

33.

Defendants' s actions constitute willful misconduct, malice, fraud, oppression, wantonness and an either want of care raising the presumption of conscience indifference to the consequences. Accordingly, Plaintiff is entitled to recover punitive damages from defendants, as determined by the enlightened conscience of the jury.

**COUNT V
ATTORNEY FEE AND COSTS OF LITIGATION**

34.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 33 above as if fully restated.

35.

Plaintiff is entitled to recover attorney fees and costs of litigation.

36.

Plaintiff is entitled to recover attorney fees and costs of litigation in accordance with O.C.G.A. § 9-15-14.

37.

Defendants has acted in bad faith, has been stubbornly litigious, and has caused Plaintiff unnecessary trouble and expense, thereby entitling the Plaintiff to an award of attorneys' fees and expenses of litigation under the Civil Code of Georgia. Therefore, Plaintiff is entitled to recover attorney fees and costs of litigation in accordance with O.C.G.A. § 13-6-11.

38.

Plaintiff is entitled to recover necessary expenses in accordance with O.C.G.A. § 51-12-7.

In the State Court of Gwinnett County, Georgia

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John Doe 2, ABC Company 1, and ABC Company 2

RESERVATION OF RIGHT

Plaintiff reserves the right to amend the complaint and add more claims as he/she deems appropriate, necessary, or proper prior to trial.

WHEREFORE, Plaintiff prays that he/she have a trial on all issues and judgement against defendants as follows:

- a) That Plaintiff recover the full value of past, present, and future medical expenses in an amount to be proven at trial;
- b) That Plaintiff recover the full value of past, present, and future lost wages in an amount to be proven at trial;
- c) That Plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- d) That Plaintiff recover full value of his/her vehicle, costs of repairing the vehicle, loss of use of his/her vehicle, diminished value of his/her vehicle, the costs of tow and store his/her vehicle, and cost of renting another vehicle in an amount to be proven at trial;
- e) That Plaintiff recover full value of all properties damaged as a result of the crash in an amount to be proven at trial;
- f) That Plaintiff recover all incidental and consequential damages as a result of the crash;
- g) That Plaintiff recover punitive damages in an amount to be determined by the enlightened conscience of the jury;
- h) That Plaintiff recover attorney fees and costs of litigation;
- i) That Plaintiff recover pre-judgement and post-judgement interest;
- j) That Plaintiff recover such other and further relief as is just and proper; and
- k) That all issues to be tried before a twelve-person jury panel (with at least one alternate juror).

This 18 day of January, 2022

Samuel Johnson and Associates

/s/ Samuel Johnson

Samuel S Johnson

Georgia Bar Number: 701652

Attorney for Plaintiff(s)

12600 Deerfield Parkway, Suite 425

Alpharetta, Georgia 30004

Phone: (404) 666-LAWS

Fax: (404) 891-9334

Notice: electronic service is not accepted.

In the State Court of Gwinnett County, Georgia

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John Doe 2, ABC Company 1, and ABC Company 2

22-C-00319-S4

1/18/2022 4:12 PM
TIANA P. GARNER, CLERK

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett County

For Clerk Use Only

22-C-00319-S4

Date Filed _____
MM-DD-YYYY

Case Number _____

Plaintiff(s)

Cox Albert
Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Samuel Johnson

Defendant(s)

Costco Wholesale Corporation
Last First Middle I. Suffix PrefixCostco Wholesale Membership, INC
Last First Middle I. Suffix PrefixJohn Doe 1, John Doe 2
Last First Middle I. Suffix PrefixABC Company 1, and ABC Company 2
Last First Middle I. Suffix PrefixBar Number 701652 Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Garnishment
☒ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Dissolution/Divorce/Separate Maintenance
☐ Family Violence Petition
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Modification
☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.